

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.1141 of 2016

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Oriental Insurance Company Ltd. Patna Through Sri Niraj Kumar Assistant
Manager and duly constituted Attorney The Oriental Insurance Company Ltd.
Regional Office Pir Mohani Kadam Kuan, Patna.

.... Appellant/s

Versus

1. Md. Mofiz Son of Late Muslim Khan alias Md. Muslim Resident of Mohalla
Neem Lal Dargah Road, P.S. Sultanganj, District Patna.
2. Kani Urawn, Son of Late Choutha Urawn Resident of Mohalla Shastri Nagar
Karam Tola P.S. & District Gumla.
3. Laxman Toppo Son of Sri Kali Urawan Resident of Mohalla Shastri Nagar
Karam Tola P.S. & District Gumla.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ashok Priyadarshi, Advocate

For the Respondent/s : Mr. Alok Kumar Shahi, Advocate

Mrs. Antara Sinha, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 01-07-2017

Heard learned counsel for the parties.

This is an appeal by the Insurance Company challenging
the quantum of amount awarded by the Additional District Judge-
VIII-cum-Motor Vehicle Accident Claims Tribunal, Patna in Claim
Case No. 3359 of 2014 by judgment dated 19th of May, 2016.

The controversy involved in the matter is as to whether
the future prospects added to the income of the deceased is proper or
not.

Learned counsel appearing for the claimant fairly states
that 15% of the income of Rs. 1,92,240/- amounting to Rs. 28,836 has
been added as future prospect and he has no objection in case the
aforesaid amount is deducted and remaining part of the award settled.



As the Insurance Company has mainly challenged the ground of future prospect and the counsel for the claimant has no objection to the same, this appeal is allowed in part. The amount of Rs. 28,836/- granted as future prospect to the earnings of the deceased be deducted and the remaining amount be paid to the claimant along with interest as directed by the learned Motor Accident Claims Tribunal.

With the aforesaid modification to the Award, the appeal stands allowed in part and disposed of.

The office is directed to send the court concerned Rs. 25,000/-, the statutory deposit, made along with this appeal and on the same being done, the Claims Tribunal shall settle the Award. The Insurance Company shall pay the remaining part of the amount through the Tribunal within 60 days from the date of receipt of certified copy of this order.

(Rajendra Menon, CJ)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	03.07.2017
Transmission Date	

